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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

FERGUSON, KEITH

ART UNIT PAPER NUMBER

2683

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/030,167

Applicant(s)

HERTER, EBERHARD

Examiner

Keith T. Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) 1 and 2 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 3-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Zicker et al..

The claimed invention reads on Zicker et al. as follows:

Regarding claim 7, Zicker et al. discloses a communication network (fig. 1) for the establishment and operation of individual communication connections (col. 6 lines 11-64, col. 7 lines 29-65 and col. 9 lines 44-63) including a network termination circuit (pico station) (fig. 1 number 26) to which each subscriber (fig. 1 number 32a-f and fixed subscriber connected to RJ11) (fig. 1) can be connected (fig. 1 and col. 7 lines 29-51), said network termination circuit being provided with a radio (wireless) interface (fig. 1 number 26 and col. 7 lines 45-65) and given a local identity (customer location) (col. 7 lines 30-45 and col. 9 lines 1-3), and being connected by firmly assigned local lines to a central office (PSTN) (fig. 1 number 20 and col. 7 lines 29-65), whereing said network termination circuit is assigned to a subscriber specific terminal for no longer than the duration of an individual communication connection (i.e. a channel is selected and occupied for the duration of a communication session and then vacated, once the channel is vacated a nearby pico station or handset can now use the channel for a corresponding communications session) (col. 7 lines 54-60 and col. 9 lines 44-63).

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Regarding claim 3, Zicker et al. discloses the subscriber-specific terminal is provided with a transmitter/receiver which is compatible with a radio interface (col. 7 lines 45-50 and col. 8 lines 40-55).

Regarding claim 4, Zicker et al. discloses the subscriber-specific terminal can be connected to any network termination circuit that happens to be available (inherent, as long as there is a communication channel with the pico station, as taught in col. 7 lines 45-50).

Regarding claim 5, Zicker et al. discloses an individual communication connection a subscriber-specific terminal can be switched from one network termination circuit (fig. 1 number 10b) to another (fig. 1 number 26).

Regarding claim 6, Zicker et al. discloses suitable changeover devices are provided which allow alternative operation in either the "subscriber-specific" mode (wireless) or in the "only line-specific" mode (cordless) (col. 7 lines 51-65).

Response to Arguments

3. Applicant's arguments filed February 11, 2005 have been fully considered but they are not deemed to be persuasive. The following are explanations to the applicant arguments:

4 Argument: Applicant alleges that Zicker et al. do not disclose switching capabilities within the termination circuit.

Explanation: Examiner agrees with applicant. However, independent claim 7, does not recite the switching capabilities within the termination circuit. Zicker et al. teaches a mobile terminal that switches from a cellular base station to a pico station (fig. 1 number 10b and number 26).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lu et al. (U.S. Patent 6,640,108 discloses a communication network operation of individual communication connections (fig. 5a) including a network termination circuit (private branch exchange) (fig. 5a CPBX number 370 and 372) to which each subscriber (fig. 5a numbers 390, 392 and 396) can be connected (fig. 5a), said network termination circuit being provided with a radio (wireless) interface (fig. 5a number 370 and 372) and given a local identity (home location) (col. 13 line 35 through col. 14 line 17), and being connected by firmly assigned local lines to a central office (PSTN) (fig. 5a numbers 378, 404, 382, 376), whereing said network termination circuit is assigned to a subscriber specific terminal for no longer than the duration of an individual communication connection (i.e. the subscriber disconnects or release connection) (col. 32 line 52 through col. 33 line 9).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (571) 272-7865. The examiner can normally be reached on 6:30am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Keith Ferguson
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June 7, 2005



WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600